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## **Legal metaphors, Time and Semiotics**

The paper examines the role of metaphor in legal decision-making across historical periods. For some lawyers, law is a rigorous, logical discipline and metaphors a potential source of distortion. Cardozo warned that 'metaphors in law are to be narrowly watched'. However, as time passes, metaphors can serve as gap-fillers in dealing with unforeseen situations. Some metaphors have arguably become the actual basis of legal reasoning, e.g. 'wall of separation' between the church and state in First Amendment cases. The understanding of this metaphor has shifted radically in the course of time. The rise of new technologies is a further example of this. An early case in point is *Olmstead v. United States* (1928) where the issue was whether wiretapping was a 'search'. In the digital era, the question of metaphor is fundamental to questions about restricting or extending existing laws into cyberspace. The internet as an 'information highway' represents a key central conduit metaphor. Cognitive metaphor theories suggest that the study of metaphor is a science involving systemic mappings between domains. Yet metaphors highlight certain features and conceal others, create emotive effects, and shape legal reasoning in complex ways. The paper considers whether these two positions can be reconciled.

*KEYWORDS: metaphor; semiotics; spatial metaphors; intellectual property law*